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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,147	06/27/2003	Kaoru Sakakibara	116348	5167

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EXAMINER

NERBUN, PETER P

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/607,147	SAKAKIBARA, KAORU	
	Examiner	Art Unit	
	Peter P. Nerbun	3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 25 is/are allowed.
- 6) ☒ Claim(s) 1 and 24 is/are rejected.
- 7) ☒ Claim(s) 2-23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>06272003, 08012003</u> . | 6) <input type="checkbox"/> Other: _____ |

Claims 3,5,7,9,13,14,16,18,20 are objected to for being redundant. Each of these claims is identical to a claim that precedes it. For example claim 3 is identical to claim 2. Applicant must cancel these claims to eliminate the redundancy.

Claim 15 is objected to for being dependent on a redundant claim. This rejection may be overcome by changing "13" to --2-- in claim 15, line 1.

Claim 24 is objected to for containing a recitation that is unclear. In particular, in claim 24, line 5, "as to be" should be changed to --that the contact member is-- to clearly indicate that the contact member is being rotated or moved (rather than the contacted portion).

Claim 25 is allowed.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Odermann et al (U.S.P. 4,183,313). The patent to Odermann et al discloses a sewing apparatus in which a thread cassette holding a needle wound is used, comprising a cassette mount 46, Fig. 1 to which the thread cassette 32 is detachably attached, a carrier 34 carrying the thread cassette between an attachment start position and an attachment finish position in the cassette mount, and a control device 40,44,82 for controlling the carrier (note that when the control device is activated, spring 82 controls the carrier 34 by forcibly ejecting it from its closed position). With respect to claim 24,

Odermann et al discloses a thread cassette comprising a contacted portion 32, Fig. 1 contacted by a contact member 82 provided on a sewing apparatus to which the thread cassette is attached so that the contact member is rotated or moved, wherein the contact member is brought into contact with the contacted portion to be rotated or moved so that the thread cassette is inserted into or ejected from a cassette mount of the sewing apparatus.

Claims 2,4,6,8,10-12,15,17,19, and 21-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Claim 2 and the claims which depend thereon are allowed since claim 2 recites a sewing apparatus comprising a carrier including a contact member brought into contact with a thread cassette and a driver for moving the contact member and a control device that controls the driver so that the contact member is moved in a predetermined direction for insertion of the thread cassette into the cassette mount.

Claim 25 is allowed since claim 25 recites a program for a sewing apparatus, operating a computer as a control device for controlling a carrier carrying a thread cassette between an attachment start position and an attachment finish position in a cassette mount.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter P. Nerbun whose telephone number is 571-272-4993. The examiner can normally be reached on M-F (1st Week) M-Th (2d Week).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on 571-272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peter Nerbun
January 5, 2005


Peter Nerbun
Primary Examiner